

Form A

IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE, HALDIA, PURBA MEDINIPUR Present :Md. Zafar Parwej Addl. Chief Judicial Magistrate, Haldia, Purba Medinipur. Date of Pronouncement of Judgment 11.05.2026. <u>G.R. 656 of 2015</u> <u>(C.I.S. No.-1387 of 2016)</u> <u>T.R. no. 20/2016</u> <u>(J.O. Code - WB -01212)</u> (Details of FIR/Crime and Police Station)	
Complainant	STATE OF WEST BENGAL OR NAME OF THE COMPLAINANT
REPRESENTED BY	ASSISTANT PUBLIC PROSECUTOR
ACCUSED	Billapada Balida
REPRESENTED BY	Kanchan Kuma Khara, Ld. Advocate of accused.

FORM B

Date of Offence	24.04.2015
Date of FIR	24.04.2015
Date of Charge-sheet	28.05.2015
Date of Framing of Charges	15.02.2017
Date of Commencement of Evidence	07.09.2017
Date on which Judgment is reserved	N.A.
Date of the Judgment	11.05.2026
Date of the sentencing Order, if any	N.A.

Accused details:

Name of Accused	Date of arrest	Date of release on Bail	Offences charged with	Whether acquitted or	Sentence imposed	Period of Detention

Md. Zafar Parwej
JO Code WB01212
ACJM, Haldia.

	/ surrender				convicted	sed	n Undergone during Trial for purpose of Section 428, Cr.P.C.
Billapada Balida	No	07.05.15	us.341/186/188/506 of the I.P.C.	Acquitted	N.A.	N.A.	

Form C

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution:

RANK		NATURE OF EVIDENCE(EYE WITNESS, POLICE WITNESS, EXPERT WITNESS,MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW 1	Subhabrata Bera	Complainant
PW 2	Sujit Balia	Witness
PW 3	Sk. Abdul Hamid	Witness

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
None	None	-

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
None	None	-

Md. Zafar Parwej
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ACJM, Haldia.

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit 1	Written complaint.
2	Exhibit 2	

B. Defence:

Sr. No.	Exhibit Number	Description
1	None	None

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1	None	None

D. Material Objects:

Sr. No.	Exhibit Number	Description
1	None	None

J U D G M E N T

Facts in Brief:

1. The genesis of the present case lies in the written complaint filed by Suvabrata Bera (hereinafter referred to as the complainant), in Durgachak P.S. The material fact, as delineated in the complaint that on 24.04.2015 at about 11:00 a.m workers of the WBSETCL went to trim the trees under the transmission lines through south west corner of the land of Billapada Balida. But Billapada Balida but the accused prevented the workers from entering the said area to trim those trees. Consequently workers of the WBSETCL could not perform it's job.

2. Subsequently, the complainant filed the present complaint in Durgachak P.S., which led to the registration of Durgachak P.S. Case No. 72/15, dated

24.04.15. Upon completion of the investigation, charge sheet bearing No. 79/15, dated 28.05.2015 was submitted against the accused persons under Sections 341/186/188/506 of the Indian Penal Code.

Cognizance of Offence:

3. After receiving the final report by this Court, subsequently, cognizance of the offence was taken. The copy of complaint and the germane documents proposed to be relied on by prosecution, were served upon the accused.

Plea

4. At the commencement of the trial, plea was done against the accused persons under Sections 341/186/188/506 of Indian Penal Code. The content of the charge was read over and explained to the accused, to which they pleaded not guilty in Bengali that “Amra Nirdosh” and claimed to be tried.

Evidence of Prosecution

5. To arrive at just and proper adjudication of the present case, it is necessary to examine the evidence on record thoroughly and objectively.

Subhabrata Bera, complainant, has been testified as PW1. He deposed that on that date at 11:00 am they were bunching the trees to extent high tension line from beat circuitry station to Mitshubissi Branch. He cannot recollect the exact location. During bunching the accused persons raised protest and restrained them from doing their work. They lodged complaint before the police station and thereafter with the help of police they have completed their work.

During cross-examination of PW1 denied that no such incident of restraint took place on 24.04.2015. He cannot say the dag number of the place of occurrence. He also denied that no such incident took place as he stated that day.

Sujit Balida, has been testified as PW2. He deposed that Billopada Balida is his cousin brother. He just identified the house of Billopada Balida to the officers of WBSEDCL.

During cross examination of P.W.2 deposed that he does not know anything regarding the incident on the spot.

Sk. Abdul Hamid, has been testified as PW3. He has heard that there was an altercation between the accused and the complainant. He know nothing more. He was not interrogated by the I.O.

During cross examination of P.W.3 denied that there was an altercation between the accused and the complainant. He also denied that no such incident took place on the date and time.

Several times notice was issued to the rest witnesses in spite of giving ample opportunities, the prosecution neither produced the witnesses nor submitted any service return report regarding the witnesses.

After examination of the above mentioned witnesses Ld. Advocate for the accused persons filed a petition with a prayer for closing evidence on the ground of the right of speedy trial the accused persons.

Heard Ld. Advocate and the Ld. P.P.

I have perused the record carefully. This case is pending since 2015 almost in 11 years, It appears from the record that several times summons issued to the rest of the CS witnesses but prosecution failed to produce rest of the C.S witnesses even after giving ample opportunity. The accused persons being a privately working person giving attendance in Court at the cost of their daily earning and paying legal fees for defending themselves since 11 years.

The Honourable Calcutta High Court in **Niranjan Ghosh Vs. Ananda Mandal, 1995 Crlj, 4086 Cal**, that where prosecution failed to examine its witnesses in spite of sufficient opportunities, while the case remained pending for 7 years, permission for examining further unimportant witnesses may be refused. **Hon'ble Supreme Court of India** several times contemplated in different judgments like **Meneka Gandhi Vs. Union of India and Hussainara Khatun Vs. State of Bihar** that speedy trial is a fundamental right of the accused person.

After hearing the Ld. PP, considering the facts and circumstances and to avoid further wastage of judicial hour by simply parading the rest of the charge sheeted witnesses, the prayer of closing evidence was allowed for ends of justice and accordingly evidence was closed.

On careful perusal of the record, it appears that there is no incriminatory materials at all found against the accused persons. Accordingly the accused persons were dispensed with examination u/s 313 of Cr.P.C.

Point for Determination

6. The question that now falls for determination is whether the accused person is liable to be convicted for the offence punishable under Sections 341/186/188/506 of the Indian Penal Code.

Arguments advanced by Learned Counsel for the Prosecution

7. Heard the arguments advanced by learned Assistant Public Prosecutor (Ld. APP). He submitted that the prosecution has adduced sufficient and cogent evidence to establish the charge against the accused.

Arguments Assailed by Learned Counsel for the Defense

9. On the other hand, the Learned Counsel appearing on behalf of the accused submitted that the prosecution's case is riddled with inconsistencies and lacks credibility. He argued that the prosecution has failed to prove the allegations against the accused by any substantive or corroborative evidence. It was contended that the accused is completely innocent and has been falsely implicated in this case. The defense further submitted that the complaint has been lodged maliciously, with the sole intention of harassing the accused. Hence, Learned Counsel prayed that the accused be acquitted of the charge.

Analysis of Evidence and Decision with reason.

10. The complainant has filed this case with allegation that on 24.04.2015 at about 11:00 a.m workers of the WBSETCL went to trim the trees under the transmission lines through south west corner of the land of Billapada Balida. But Billapada Balida but the accused prevented the workers from entering the said area to trim those trees. Consequently workers of the WBSETCL could not perform it's job.

On careful scanning of the prosecution witnesses it transpired that the complainant who has been examined as PW1 has stated that he cannot recollect the exact location. During bunching the accused persons raised protest and restrained them from doing their work. They lodged complaint before the police station and thereafter with the help of police they have completed their work. He has not stated anything against the accused person. PW2 and PW3 are the independent witnesses. They deposed that they know the complainant of this case as well as the accused persons. They do not know anything about this case.

There is established principal of criminal justice that the statement of interested witnesses must be corroborated by any independent source of evidence either documentary or oral.

On careful consideration of the materials on record as well as the evidence adduced by the witnesses, this Court finds that the prosecution fails to establish the allegations against the accused persons beyond the reasonable doubts.

The burden of proof that they are guilty, is on the prosecution and that the prosecution has to establish its case beyond all reasonable doubts. In other words, the innocence of an accused can be dispelled by the prosecution only on establishing his guilt beyond all reasonable doubts on the basis of evidence. The accused person cannot be held guilty.

11. Hence, it is,

ORDERED

that the accused person namely, Billapada Balida is found not guilty of the offence punishable under Sections 341/186/188/506 of the Indian Penal Code and is hereby acquitted under Section 255(1) of the Code of Criminal Procedure.

12. The accused person is discharged from all liability of his bail bond and is set at liberty forthwith.

13. The seized articles, if any, shall be disposed of in accordance with law upon expiry of the appeal period.

Dictated and corrected by me,

Sd/-

ACJM, Haldia,

Sd/-

ACJM, Haldia,

G.R. Case No. 656 of 2015

Order dated 11.05.2026

Today is fixed for evidence of CSW 6 i.d. examination of accused u/s 313 of Cr.P.C.

Record is taken up for examination of the accused persons u/s 313 of Cr.P.C.. On careful perusal of the record, it appears that there is no incriminatory materials at all found against the accused person. Accordingly the accused person is dispensed with examination u/s 313 of Cr.P.C.

Ld. A.P.P. is present.

Record is taken up for hearing argument.

Heard the argument of Ld. Advocate of accused and Ld. P.P.

The Judgment will be delivered after recess. Both the parties are directed to remain present.

Dictated and corrected by me.

Sd/-

A.C.J.M.,Haldia, Purba Medinipur

Sd/-

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Later at 3:00 p.m.

Ld. Advocate on behalf of the accused and Ld. P.P. are present.

Heard both sides.

Judgment is ready 7 sheets.

Pronounce in open Court by reading out the operative portion of the judgment.

Hence, it is

ORDERED

that the accused person namely, Billapada Balida is found not guilty of the offences under sections 341/186/188/506 of IPC and are hereby acquitted under Section 248 (1) of the Cr.P.C.

Seized articles if any, be disbursed to the lawful claimant after proper verification.

Accused persons be set at liberty forthwith. Bail bond is discharged.

Md. Zafar Parwej
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Seized article if any be returned to the rightful claimant after expire of the appeal period in accordance with law.

Let a copy of the findings be intimated to the District Magistrate, Purba Medinipur and the Secretary, DLSA, Purba Medinipur since the accused person is acquitted from the charges and the right to appeal against acquittal remains with the victim.

Note in the Trial Register.

Dictated and corrected by me.

Sd/-

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A.C.J.M.,Haldia, Purba Medinipur

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